

# United States Court of Appeals for the Federal Circuit

2010-1406

THE ASSOCIATION FOR MOLECULAR PATHOLOGY,  
THE AMERICAN COLLEGE OF MEDICAL GENETICS,  
THE AMERICAN SOCIETY FOR CLINICAL PATHOLOGY,  
THE COLLEGE OF AMERICAN PATHOLOGISTS, HAIG KAZAZIAN, MD,  
ARUPA GANGULY, PhD, WENDY CHUNG, MD, PhD, HARRY OSTRER, MD,  
DAVID LEDBETTER, PhD, STEPHEN WARREN, PhD, ELLEN MATLOFF, M.S.,  
ELSA REICH, M.S., BREAST CANCER ACTION,  
BOSTON WOMEN'S HEALTH BOOK COLLECTIVE, LISBETH CERIANI,  
RUNI LIMARY, GENAE GIRARD, PATRICE FORTUNE,  
VICKY THOMASON, and KATHLEEN RAKER,

Plaintiffs-Appellees,

v.

UNITED STATES PATENT AND TRADEMARK OFFICE,

Defendant,

and

MYRIAD GENETICS, INC.,

Defendant-Appellant,

and

LORRIS BETZ, ROGER BOYER, JACK BRITTAIN, ARNOLD B. COMBE,  
RAYMOND GESTELAND, JAMES U. JENSEN, JOHN KENDALL MORRIS,  
THOMAS PARKS, DAVID W. PERSHING, and MICHAEL K. YOUNG,  
in their official capacity as Directors of the University of Utah Research Foundation,

Defendants-Appellants.

## Judgment

ON APPEAL from the United States District Court for the  
Southern District of New York

in CASE NO(S). 09-CV-4515

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

**AFFIRMED IN PART AND REVERSED IN PART**

ENTERED BY ORDER OF THE COURT

DATED AUG 16 2012



\_\_\_\_\_  
Jan Horbaly, Clerk

**Issued as Mandate:** OCT 12 2012

**COSTS:**

Printing ..... \$ 0,297.84  
Total..... \$ 6,297.84

Form 24

FORM 24. Bill of Costs

148

BILL OF COSTS (File original and three copies with the Clerk within 14 days of judgment.)

Docket No(s): A: 2010-1406 Caption: B: Association for Molecular v. PTOThe Clerk is requested to tax the following costs against: C: Plaintiffs-Appellees

ITEM	Number of copies	Number of pages	Actual cost	Allowable cost	Total billed	Total taxed
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Other (describe): SEE ATTACHED	I:	J:		0.08		
GRAND TOTALS Subtotal from Attachment: \$569.20					6297.84	\$ 6,297.84

City/County of Washington ) District/State of D.C. ) SSI, K: Jennifer L. Swize, swear under penalty of perjury that the services for which costs are taxed were necessarily performed. Itemized statements of the costs incurred or invoices are attached. Copies of this bill were served on all parties. The certificate of service is attached.Signature: Jennifer L. Swize Date: Aug. 30, 2012 Attorney for: L: Myriad Genetics, Defendant-Appellee

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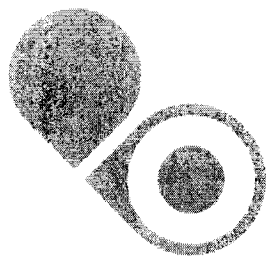
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## Attachment to Form 24. Bill of Costs

Docket No: 2010-1406Caption: Association for Molecular v. PTO

ITEM	Number of Copies	Number of Pages	Actual Cost	Allowable Cost	Total Billed	Total Taxed
Supplemental Brief (original)		33		6.00	198.00	
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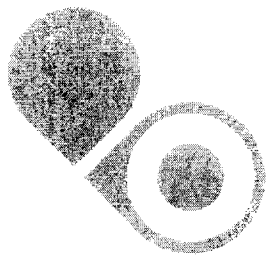
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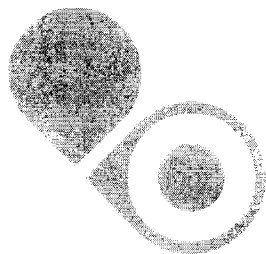
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## **CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that a copy of the foregoing Bill of Costs was served by UPS (overnight delivery) on August 30, 2012, upon the following principal counsel for Plaintiffs-Appellees:

Christopher A. Hansen, Esq.  
American Civil Liberties Union  
125 Broad Street  
18th Floor  
New York, New York 10004  
*Counsel for Plaintiffs-Appellees*

  
Jennifer L. Swize  
*Attorney For Appellants*

JONES DAY

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jswize@JonesDay.com

August 30, 2012

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Mr. Jan Horbaly  
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United States Court of Appeals  
For The Federal Circuit

Re: Association for Molecular Pathology v. PTO, 2010-1406

Dear Mr. Horbaly:

Enclosed please find Defendant-Appellant Myriad Genetic, Inc.'s bill of costs, filed on August 30, 2012. An original and three copies for the Court are provided. Also enclosed is an additional copy. Please date-stamp the additional copy and return to me by the enclosed envelope.

Thank you very much.

Respectfully submitted,



Jennifer L. Swize  
*Attorney for Defendants-Appellants*

cc: Christopher A. Hansen, Esq.